

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES PETTY, #124 252, *
Plaintiff, *
v. * Case No. 2:06-CV-639-WKW
RAY B. FINEDOR, et al, *
Defendants. *

MOTION TO DISMISS THE PLAINTIFF'S CLAIMS

AND OBJECTION TO PLAINTIFF'S MOTION FOR AN EXTENSION

Comes now the Defendant, Edward O. Hardy, by and through his counsel, and objects to the Plaintiff's Motion for an Extension of Time in that the Court was quite clear in the previous Order that the deadline for filing was to be on or before January 3, 2007; otherwise, the case would be treated as dismissed.

Therefore, we are questing that this Honorable Court dismiss the Plaintiff's claims as he has failed to comply with the Court directive, namely in timely filings.

Respectfully submitted this 4th day of January, 2007.

s/ Clifton F. Hastings

Clifton F. Hastings (HAS014)
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CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Answer has been electronically served upon the following on the 4th day of January, 2007 by CM/ECF:

Steven Mallette Sirmon
Alabama Board of Pardons & Paroles
301 South Ripley St
PO Box 302405
Montgomery, AL 36130
steven.sirmon@paroles.alabama.gov

and I hereby certify a copy of the foregoing Answer has been served upon the following by US Mail on the 4th day of January, 2007:

James Petty
AIS #139044
Easterling Correctional Facility
200 Wallace Drive
Clio, Alabama 36017-2615

s/ Clifton F. Hastings
Clifton F. Hastings